

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**JAMES DAVIS,**

**Plaintiff,**

**v.**

**OCWEN LOAN SERVICING, LLC, et al.,**

**Defendant(s).**

**Case No.: 1:19-CV-01496-CLM**

**JOINT MOTION TO AMEND SCHEDULING ORDER**

Defendants Ocwen Loan Servicing, LLC and Bank of New York Mellon as Successor Trustee for JP Morgan Chase Bank as Trustee for Novastar Mortgage Funding Trust Series 2005-3, formerly known as The Bank of New York (collectively, “Defendants”), by counsel, together with Plaintiff James Davis (“Plaintiff”) (collectively, “the Parties”), hereby move the Court to amend the Amended Rule 16(b) Scheduling Order (Docs. 37 and 53) to (1) stay the discovery deadline and the dispositive motions deadline, and (2) refer the Parties to a settlement conference. As grounds for this Motion, the Parties state as follows:

(1) The Court issued a text order Amending the Rule 16(b) Scheduling Order (Doc. 53) on June 10, 2020, setting the discovery deadline as October 2, 2020 and the dispositive motions deadline as November 2, 2020.

(2) The Parties are continuing to diligently conduct discovery, and the discovery process has facilitated thorough settlement negotiations. However, the Parties believe that a settlement conference will be productive at this point in the case before proceeding with further discovery, including depositions.

(3) The stay requested herein will allow the Parties to participate in a settlement conference before spending significant time and money on additional discovery, including Rule 30(b)(6) and individual depositions.

(4) Therefore, the Parties respectfully request that the Court stay the discovery and dispositive motions deadlines, and refer the Parties to a settlement conference.

WHEREFORE, the Parties respectfully request that the Court stay the discovery and dispositive motions deadlines, refer the Parties to a settlement conference, and grant all other just and equitable relief.

This the 1st day of September 2020

Respectfully submitted,

/s/ John Houston Shaner (With express permission)

John Houston Shaner, Esq.

(ASB No: 1992M27W)

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New York Mellon as Successor Trustee for JP  
Morgan Chase Bank as Trustee for Novastar  
Mortgage Funding Trust Series 2005-3, formerly  
known as The Bank of New York*

/s/ Earl P. Underwood, Jr. \_\_\_\_\_  
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